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APR 16 2007

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: David L. Churchill  
Application No.: 10/677,578  
Filing date: October 2, 2003  
Title: Microminiature Gauging  
Displacement Sensor

Docket No.: 115-007  
Date: April 9, 2007  
Group Art Unit: 2862  
Examiner: Kenneth Whittington

## Affidavit

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Steven W. Arms declare that:

1. I am the President of MicroStrain, Inc. All inventors of this patent application work at MicroStrain and have a duty to assign this invention to MicroStrain.
2. Our patent attorney, James Marc Leas sends all communications from the USPTO to MicroStrain for our records. Mr. Leas sends all such communications by fax. The faxed communication includes a date and time that the fax was sent.
3. Our procedure at MicroStrain includes a review of the office action by me, filing the office action in the case docket folder by our responsible office administrator, and distributing an email to the inventors by that office administrator. The email includes notice of the office action, the date it was mailed by the PTO, the status

## CERTIFICATE OF MAILING

I hereby certify that, on the date shown below, this correspondence is being:

## MAIL

☐ deposited with the United States Postal Service with  
sufficient postage as express mail in an envelope  
addressed to:

Commissioner for Patents  
PO Box 1450  
Alexandria VA, 22313-1450

Date: 4/16/07

## FACSIMILE

☒ transmitted by facsimile to the Patent and  
Trademark Office.

James Marc Leas

Name

James Marc Leas

Signature

115-007

Page 1 of 2

10/677,578

of the claims, and the date a response is due.

4. This procedure was in place beginning in October, 2005.
5. A review and search of the docket folder shows no faxed office action. The only copy of the office action dated April 10 in the folder is the one that was downloaded from the PTO web site by Mr. Leas on September 28, 2006.
6. A search of email records from that time frame shows other emails but shows no email notice of the office action sent or received.
7. Nor do I recall receiving and reviewing an office action for this case until after September 28, 2006.
8. Based on the foregoing, I attest that the office action mailed by the PTO on April 10, 2006 was not received by MicroStrain.

I hereby declare that all statements made herein to my knowledge are true and that all statements were made with the knowledge that willfully false statements and the like so made are punishable by fine, imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willfully false statements may jeopardize the validity of any patent issued thereon.

  
Steven W. Arms

11 April 2007  
Date